UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/556,936	07/19/2006	Kristian Knak Nygaard	U 016025-8	5575

140 7590 11/27/2009	EXAMINER
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ART UNIT	PAPER NUMBER
2425	

NOTIFICATION DATE	DELIVERY MODE
11/27/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

nyuspatactions@ladas.com

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _07 October 2009_.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _75-78,82-86,95,98-100,103-106,116,127-130,150 and 156_ is/are pending in the application.
     4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _75-78,82-86,95,98-100,103-106,116,127-130,150 and 156_ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
     a)☐ All   b)☐ Some *   c)☐ None of:
         1.☐ Certified copies of the priority documents have been received.
         2.☐ Certified copies of the priority documents have been received in Application No. _____.
         3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☒ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07

October 2009 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 75, 150, and 156 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Logan et al. (Pub. No.: US 2005/0005308) and further in view of

Wanderscheid et al. (US Pat. No.: 5,602,582) and Reisman (Pub. No.: US

2003/0229900).

As to amended claims 75, 150, and 156, Fig. 1-3 of Logan teach a method of

transmitting a selection of a streamed broadcast program, such as a specific play of a

football game. As to the amended method for **"transmitting a video and/or audio**

sequence to a target device based on a selection of a streamed broadcast

**program, the streamed broadcast program being broadcast to a user for being
rendered on a display, the selection being selected from the streamed broadcast
program by <u>the user pressing a key on a keypad of</u> a user selection unit, <u>the
selection being made by the user at a selection time</u> substantially when the
selection is rendered on the display,"** the method of Logan allows a user to select a
selection of a video program (e.g., a specific play of a football game) to be transmitted
from the headend to the user's client device. As to the amended limitation that said
selection is made by a user pressing a key on a keypad and the selection being made
by the user at a selection time, Logan teaches that the user can make said selection
using a remote control. That the selection is made at the time that the user makes the
selection is inherent in Logan's system.

As to the amended limitations of **"[1] <u>computing the selection time when the
user pressed the key on the keypad</u>"** and **"[2] identifying the selection based on
<u>the computed selection</u> time <u>when the user pressed the key on the keypad</u> with
respect to rendering progress of the streamed broadcast program,"** Logan teaches
that the system can be implemented through a network personal video recorder (nPVR)
system and selecting a previously broadcast segment (e.g., a specific play of a football
game) inherently requires identifying the location of said play in the broadcast stream
relative to the whole stream; however, Logan does not explicitly teach computing said
selection time or identifying the selection based on said computed time, as recited. In
an analogous art, col. 4 and Fig. 3-4 Wanderscheid teach a method for processing an
input signal related to streamed digital video data wherein the system identifies a time I

at which the user input is received, correlates said time I to a table of time indices, and

performs an action based on said time index. Specifically, Wandersheid teaches:

> As an example, data stream 310 might represent a video clip
> promoting merchandise in a women's clothing store…A user input signal is
> identified during data stream 310 at time I. Upon receiving the input signal from
> remote controller 120, CPE 114 will determine a time index based on I.
> Referring now to FIG. 4, there is illustrated a look-up table used in association
> with the time indexed streamed digital video data. Continuing the previous
> example, the input signal is received by CPE 114 at time I between T_3 and T_4.
> Accordingly, CPE 114 uses T_4 to index into the look-up table of FIG. 4.
> Preferably, the timer and the look-up table reside in the memory of CPE 114.
> After the look-up is performed, CPE 114 executes a branch instruction
> associated with the T_4 entry. In this example, a user generated input signal
> received by CPE at time I would result in CPE 114 transferring execution
> control to routine 3. The branch instruction could incorporate any execution
> transfer programming technique. Examples include case and switch
> statements, if-then-else statements and GOTO statement. (col. 4/lines 26-59)

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify the system of Logan with the time index computation taught by

Logan to enable the segment selection taught by Logan without having to navigate the

menu of Logan. As to [2], one of ordinary skill in the art at the time of the invention

would have recognized that the routine corresponding to each time index of

Wanderscheid (Fig. 4) could be a control routine to cause the segments (e.g., plays)

taught by Logan to be transmitted to the user. One of ordinary skill in the art at the time

of the invention would have recognized this as a combination of known elements in the

art that would have yielded predictable results.

As to the final limitation of **"[3] transmitting the video and/or audio sequence**

based on the selection to at least one of an external device and an external

medium," in an analogous art, Fig. 8 of Reisman teaches a method wherein a user's

set top box (STB) can communicate with a headend system to communicate video data

to that same user's PC to perform "session coordination." It would have been obvious

to one of ordinary skill in the art at the time of the invention that the session coordination

of Reisman could be incorporated into the system of Logan so that a user of Logan's

system could select a discrete segment of a broadcast program to be transmitted to the

user's PC instead of to the user's television. This would have been desirable so as to

allow a user to replay or share a segment of a program without interrupting viewing said

program.

As to claim 76, the recited receiving an indication signal is inherent in the system

of Logan wherein the user sends a signal to the nPVR server indicating a specific

segment of programming to receive.

As to claim 77, the recited computing and recognizing is inherent in the system of

Logan, as illustrated in Fig. 3.

As to claim 78, Fig. 1-3 of Logan teach the recited UID.

As to claim 82, Fig. 8 of Reisman teaches the recited computing device.

As to claims 83 and 84, Examiner notes that claim 75 does not positively recite

the external medium recited in claim 75; however, Examiner takes Official Notice that it

is well-known in the art for a PC to comprise a hard drive or other storage means which

is equivalent to the recited "medium in the external device."

As to claim 85, Reisman teaches that said session coordination can be

accomplished using a JAVA application (see, e.g., [0057], [0137]).

As to claim 86, Reisman teaches that the session coordination of Fig. 8 comprises displaying the selected content on the user's computing device.

As to claim 95, it would have been obvious to one of ordinary skill in the art at the time of the invention that a user could use the system of Logan to select additional programming segments preceding or following the currently selected segment, as recited.

As to claims 98 and 99, the recited streamed video or multimedia program is inherent in Logan.

As to claim 100, Fig. 3 of Logan teaches that each selection (e.g., a specific down of a football game) corresponds to a defined range of time, thus if the user does not know exactly when the selection occurred, he will still be able to locate the desired selection using the nPVR system of Logan in a manner cumulative with the recited error range.

As to claim 103, Logan teaches that the user selects the desired segment using a remote control [ABST].

As to claim 104, the recited video, multimedia, or A/V program is inherent in Logan.

As to claim 105, Examiner takes Official Notice it would have been obvious to one of ordinary skill in the art at the time of the invention that the user's STB would send the request for a segment containing the recited indication signal to the headend.

As to claim 106, the recited functionality is inherent in the nPVR sever of Logan.

As to claim 116, Logan also teaches that the system can be implemented in a video on-demand (VOD) system [0037]and Examiner takes Official Notice that it was well-known in the art a the time of the invention for a user of a VOD to send a signal from their STB to the headend agreeing to pay for the distribution of said VOD content.

As to claims 127 and 128, Examiner takes Official Notice that it was well-known in the art a the time of the invention for a content provider such as a broadcast network to insert branding information such as a network logo into broadcast content and that it would have been obvious to one of ordinary skill in the art at the time of the invention that said logo would still be present when a user accessed time-shifted content in an nPVR system such as that taught by Logan, said logo being equivalent to the owner rights code recited in claim 128.

As to claim 129, the recited UID based on a time code is taught by Fig. 3 of Logan.

As to claim 130, as the time-shifted nPVR segments of Logan are derived from broadcast programming, it is inherent that the recited UID would also be derived from said broadcast programming.

Response to Arguments

Applicant's arguments with respect to claims 75, 150, and 156 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan Stronczer whose telephone number is (571) 270-3756. The examiner can normally be reached on 7:30 AM - 5:00 PM (EDT), Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian T. Pendleton can be reached on (571) 272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ryan Stronczer/
Examiner, Art Unit 2425

/Brian T. Pendleton/
Supervisory Patent Examiner, Art Unit 2425